

REMARKS/ARGUMENTS

The final Office Action of April 29, 2008 has been carefully reviewed and this paper is responsive thereto. Claims 1-18 stand rejected and claims 19-38 are withdrawn. By this response, claims 1 and 9 have been amended.

Double Patenting

Claims 1-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 7,032,029. With this response Applicants have filed a terminal disclaimer. Accordingly, Applicants respectfully request that the double patenting rejection be withdrawn.

Supplemental Information Disclosure Statement

With this response, Applicants have submitted a supplemental Information Disclosure statement for consideration.

Rejections Under 35 USC §103

Claims 1, 5-7, 9-11 and 15-17 are rejected under 35 USC §103(a) as being unpatentable over Coile, et al., U.S. Patent No. 6,108,300 ("Coile"), in view of Borella, et al., U.S. Patent No. 6,269,099 ("Borella"). Applicants respectfully traverse the rejections.

Amended independent claim 1 recites, among other features, "scanning the I/O devices by the first device on the first node" and "resetting a connection between the first device and the I/O devices responsive to determining that the first node is inoperable." Both Coile and Borella fail to disclose and/or teach these features.

Coile discloses a method and apparatus for providing a failover network device. In particular, Coile describes a primary server or network device and a backup server or backup network device. Upon failure of the primary server, the IP address of the backup server changes from a standby IP address to an active IP address which was originally associated with the primary server. However, Coile is wholly devoid of disclosing use of a programmable controller connected to I/O devices in an industrial control environment. Moreover, Coile does not disclose

or suggest scanning of connected I/O devices as claimed in amended independent claim 1. Furthermore, Coile does not disclose “resetting a connection between the first device and the I/O devices responsive to determining that the first node is inoperable.”

In addition, Borella does not make up for the deficiencies in Coile. Borella describes a method for peer discovery, wherein a first peer network device sends out a peer discovery request to other peer network devices, and wherein second peer network device, upon receiving the peer network device, attempts to establish a two-way, peer-to-peer data-flow to the first peer network device that sent the peer discovery requests. (Borella, Abstract, Figures 1-4 and Col. 6, line 6 – Col. 7, line 35). Borella does not disclose or suggest “scanning the I/O devices by the first device on the first node” and “resetting a connection between the first device and the I/O devices responsive to determining that the first node is inoperable.” Therefore, for at least these reasons, Applicants respectfully submit that independent claim 1 is allowable over Coile and/or Borella. Dependent claims 2-8 which ultimately depend from independent claim 1 are allowable for at least the same reasons as independent claim 1.

Amended independent claim 9 includes the claimed feature of “wherein the network module is configured to reset connections from the device scanner to the I/O devices prior to exchange of the first address with the second address such that the first node is assigned the second address responsive to the exchange.” (Emphasis Added). This claimed feature is not disclosed in Coile or Borella. Therefore, for at least this reason independent claim 9 is allowable over the cited references. Dependent claims 10-18 which ultimately depend from independent claim 9 are allowable for at least the same reasons as independent claim 9.

Claims 2-4, 8, 12-14 and 18 are rejected under 35 USC §103(a) as being unpatentable over Coile, in view of Borella and further in view of Ruckley, et al., U.S. Patent No. 6,360,277 (“Ruckley”). Applicants respectfully traverse the rejections.

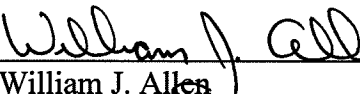
Ruckley is directed to an intelligible relay that is capable of being accessed by a controller via a network using a unique component address. (Ruckley, Abstract and Col. 6, lines 6-17). Notwithstanding whether the proposed combination of Coile, Borella, and Ruckley is proper, Ruckley fails to cure the deficiencies of Coile and Borella discussed above with respect to independent claims 1 and 9. As such, dependent claim 2-4, 8, 12-14, and 18 which ultimately

depend from one of independent claims 1 or 9 are allowable for at least the same reasons as independent claim from which they depend.

Applicants therefore respectfully request reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

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Respectfully submitted,

By: 
William J. Allen
Registration No. 51,393
BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Telephone: 312-463-5000
Fax: 312-463-5001